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U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

Office of General Counsel

January 16, 1990

4/14/90

Mr. Frank A. Schrontz  
Chief Executive Officer  
The Boeing Company  
7755 E. Marginal Way S.  
Seattle, WA 98108

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JAN 22 1990  
RECEIVED  
OFFICE OF THE GENERAL COUNSEL  
THE BOEING COMPANY  
Please handle

Dear Mr. Schrontz:

This letter is to notify you that the Boeing Company is potentially responsible for damages to natural resources resulting from hazardous substances that have been released into the environment.

You are also hereby notified that the U.S. Government presently intends to bring suit against your company to recover natural resource damages as provided for under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §§9601-9675, as amended. This notice is provided to you pursuant to CERCLA §113(g)(1), 42 U.S.C. §9613(g)(1). A copy of this statutory provision is enclosed with this letter.

The National Oceanic and Atmospheric Administration, (NOAA), is a trustee for coastal and marine natural resources pursuant to CERCLA §107(f), regulations found at 40 C.F.R. §§300.72-74, Executive Order 12580, and the Department of Commerce Organizational Order 10-15, amendment 2, issued November 8, 1989. This notice is sent to you by NOAA, whose trust resources are believed to be damaged in this matter.

The natural resources which are of concern to NOAA are those that have been and/or are being exposed to substantial amounts of hazardous substances that were released from your company's facilities along the Duwamish River in Seattle, Washington.

Based upon the evidence currently available, NOAA has a reasonable basis to conclude that releases of the hazardous substances from your facilities, referenced above, contributed significantly to the contamination of the areas of exposure within its trusteeship. Your company may be liable under Section 107(a) of CERCLA jointly and severally for the full cost of restoration or replacement of natural resources injured by the hazardous substances and/or the value of services from the resources lost as a result of the injury.

This notice is being sent to other parties potentially responsible for the release of significant amounts of hazardous sub-



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stances, referenced above, to which the natural resources of concern have been exposed. For your information, I am enclosing a list of all potentially responsible parties similarly notified.

If you believe you have legal or factual information supporting the conclusion that your company is not responsible for these damages, provide that information as soon as possible so that it can be considered before the U.S. Government files suit. You may request any additional information available for disclosure by contacting, in writing, NOAA attorney Charles E. Albertson, 7600 Sand Point Way NE, Seattle, WA 98115-6349.

Very truly yours,

NATIONAL OCEANIC AND  
ATMOSPHERIC ADMINISTRATION, TRUSTEE

By: 

Thomas A. Campbell  
General Counsel

Enclosures: List of Potentially Responsible Parties  
CERCLA §113(g)(1), 42 U.S.C. §9613(g)(1)

## 42 U.S.C. § 9613(g)

## (g) Period in which action may be brought

## (1) Actions for natural resources damages

Except as provided in paragraphs (3) and (4), no action may be commenced for damages (as defined in section 9601(6) of this title, unless that action is commenced within 3 years after the later of the following:

(A) The date of the discovery of the loss and its connection with the release in question.

(B) The date on which regulations are promulgated under section 9651(c) of this title.

With respect to any facility listed on the National Priorities List (NPL), any Federal facility identified under section 9620 of this title (relating to Federal facilities), or any vessel or facility at which a remedial action under this chapter is otherwise scheduled, an action for damages under this chapter must be commenced within 3 years after the completion of the remedial action (excluding operation and maintenance activities) in lieu of the dates referred to in subparagraph (A) or (B). In no event may an action for damages under this chapter with respect to such a vessel or facility be commenced (i) prior to 60 days after the Federal or State natural resource trustee provides to the President and the potentially responsible party a notice of intent to file suit, or (ii) before selection of the remedial action if the President is diligently proceeding with a remedial investigation and feasibility study under section 9604(b) of this title or section 9620 of this title (relating to Federal facilities). The limitation in the preceding sentence on commencing an action before giving notice or before selection of the remedial action does not apply to actions filed on or before October 17, 1986.

LIST OF POTENTIALLY RESPONSIBLE PARTIES  
ELLIOTT BAY/HARBOR ISLAND, WASH.

Ms. Roseann Stevenson  
ARCO Petroleum Products Company  
1990 West Crescent Ave.  
Anaheim, CA 92801

Mr. Harold Parantie  
Asahipen America, Inc.  
3300 Seafirst National Bank Bldg.  
Seattle, WA 98154

Mr. Frank A. Schrontz  
Chief Executive Officer  
The Boeing Company  
7755 E. Marginal Way S.  
Seattle, WA 98108

Mr. Charles Cox  
Bunker Hill Company  
c/o Bunker Hill Ltd.  
P.O. Box 29  
Kellogg, ID 83837

Honorable Norm Rice  
Mayor  
The City of Seattle  
1000 Municipal Building  
Seattle, WA 98104

Mr. Jack Dando  
Clough Industries, Inc.  
2745 11th Ave. S.W.  
Seattle, WA 98134

Honorable Brian J. Boyle  
Commissioner of Public Lands  
State of Washington  
John A. Cherberg Bldg.  
Olympia, WA 98504

Mr. Terry Draxler  
13514 129th Place NE  
Kirkland, WA 98034

Mr. Mark Boyle  
Eagle-Picher Industries, Inc.  
580 Walnut Street  
Cincinnati, OH 45202

Frederick Frederickson  
Fisher Properties  
1301 Fifth Ave.  
Seattle, WA 98167

Leckenby Company  
c/o Ben Weeks  
9819 46th Ave. SW  
Seattle, WA 98136

Mr. Peter Balch  
Lockheed Shipbuilding and Construction Company  
2929 16th Ave.  
Seattle, WA 98134

Mr. S. Roller  
Mobil Oil Company  
3800 W. Alameda Ave.  
Suite 700  
Burbank, CA 9150

Mr. Robert Norsen  
Mono Roofing Company  
9616 Fauntleroy Way  
Seattle, WA 98136

Mr. Richard Sandaas  
Executive Director  
Municipality of Metropolitan Seattle  
821 Second Avenue  
Seattle, WA 98104

Mr. John McGee  
Non-Ferrous Metals, Inc.  
2905 13th Ave. SW  
Seattle, WA 98134

W. Mulkey  
Olympic Pipe Line Company  
P.O. Box 236  
2319 Lind Ave. S.W.  
Renton, WA 98057

Leslie Nellermae  
Port of Seattle  
c/o Syrdal, Danelo et al.  
4th & Blanchard Bldg.  
Seattle, WA 98121

Mr. Howard B. Myers  
Quemetco Realty, Inc.  
1111 W. Mockingbird Lane  
Dallas, TX 75247

Mr. Howard B. Myers  
Quemetco, Inc.  
1111 W. Mockingbird Lane  
Dallas, TX 75247

Mr. N.P. Jensen  
SEAFAB Metal Corporation  
2700 16th Ave. SW  
Seattle, WA 98134

Mr. Marc Sidell  
Seattle Iron and Metals Corporation  
2955 11th Ave. SW  
Seattle, WA 98134

Mr. G. Hagy  
Shell Oil Company  
P.O. Box 3108  
Houston, TX 77001

President or Chief Executive Officer  
Smith-Berger Manufacturing Corp.  
516 S. Chicago  
Seattle, WA 98108

Ms. Maureyne Fennell  
Texaco Refining and Marketing, Inc.  
10 Universal City Plaza  
Universal City, CA 91608

Mr. Michael Marsh  
Todd Shipyard Corporation  
P.O. Box 3806  
Seattle, WA 98124

Mr. Terry Foley  
Value Plating & Metal Polishing  
3207 11th Ave. SW  
Seattle, WA 98134

Mr. William C. Cairns  
President  
Wyckoff Co.  
1508 Peoples National Bank Building  
Seattle, WA 98171

Mr. Robert Quenell  
Western/Quematco  
c/o Quenell Enterprises, Inc.  
P.O. Box 302  
City of Industry, CA 91747

Mr. David Nicholson  
Weyerhaeuser Company  
Tacoma, WA 98477